

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	)	
	)	Case No. 20-10313
JAMES MICHAEL STRITCH,	)	Chapter 13
	)	
Debtor.	)	
	)	
	)	
	)	

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**OBJECTION TO DEBTOR'S AMENDED CHAPTER 13 PLAN**

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National Funding Inc. ("National Funding"), by and through its counsel, Gordon & Rees, hereby objects to confirmation of the Amended Chapter 13 Plan ("Plan") filed by James Michael Stritch on the following grounds:

1. On or about April 14, 2017, James Stritch ("Debtor") executed a personal guarantee for the benefit of National Funding in connection with a commercial loan made to Debtor's company, JSA Mechanical, Inc. ("JSA")

2. Four months later, on August 17, 2017, JSA defaulted on the loan, leaving an outstanding balance of \$106,947.40.

3. In accordance with the venue provisions of the loan and related guarantee, National Funding filed suit against JSA and Debtor in California and obtained a judgment on January 17, 2018 in the amount of \$114,229.49 ("Judgment")

4. National Funding domesticated the Judgment in the Commonwealth of Pennsylvania on May 7, 2018 by filing an exemplified copy of the Judgment in the Delaware County Court of Common Pleas in the amount of \$117,363.02 ("PA Judgment"), which included post judgment interest from the date of the Judgment at the rate of 10% in accordance with

California law.

5. Debtor filed the instant case as a Chapter 7 on January 16, 2020 (“Petition Date”).

[Doc. 1]

6. National Funding was not listed as a creditor in the original Chapter 7 filing and did not receive notice of bankruptcy. [Doc. 1]

7. The case was converted to a Chapter 13 on May 13, 2020 (“Conversion Date”).

National Funding did not receive notice of the Conversion. [Doc. 50]

8. National Funding did not receive notice of any claims bar date and is not included on the proof of service on the claims bar date notice. [Doc. 56]

9. National Funding first learned of Debtor’s bankruptcy on February 22, 2021. As part of a file review of older judgments to review for collectability and further enforcement measures, National Funding’s Corporate Counsel conducted a pacer search to see if there were any bankruptcy filings. It was at that time that National Funding first learned of the bankruptcy filing by Debtor.

10. To avoid any further delay or the risk of any prejudice, National Funding filed its claim the following day on February 23, 2021 asserting a secured claim in the amount of \$114,229.49 based on the judgment lien awarded to National Funding. The proof of claim is on the Court’s claims register for this case as Claim No. 18.

11. On or about June 3, 2021, Debtor filed his Motion to Strike Foreign Judgment domesticated in the Commonwealth of Pennsylvania alleging that both the judgment and judgment lien are void.

12. On October 21, 2021 the Court of Common Pleas of Delaware County entered an Order granting Debtor’s Motion to Strike Foreign Judgment.

13. National Funding has appealed the Order granting Debtor's Motion to Strike Foreign Judgment and believes the appeal will be successful.

14. Although Debtor has filed a motion to avoid National Funding's judgment lien, if National Funding's lien remains secured, its lien would remain on Debtor's real property.

15. Debtor's plan does not provide any distribution or information regarding treatment of National Funding's secured claim. National Funding's claim is listed neither as a secured claim not provided for by the plan, nor an allowed secured claim to be paid in full.

16. Further, Debtor's plan disclosure purports to avoid a security interest or lien. However, §4 and §9 do not indicate which, if any, security interests or liens will be avoided.

17. Thus, the Court should deny confirmation of Debtor's proposed plan.

Date: January 20, 2022

Respectfully Submitted,

**GORDON & REES**

/s/ Jonathan R. Avolio

**Jonathan R. Avolio** (State Bar No. 327910)

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**ATTORNEYS FOR NATIONAL FUNDING, INC.**

**CERTIFICATE OF SERVICE**

I, the undersigned hereby certify that a true and accurate copy of the foregoing document has been duly and properly served upon all counsel herein by way of electronic filing on the Court's ECF Notice List on January 20, 2022.

/s/ Anita Soto  
Anita Soto